IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	**MAIL STOP**
Simon Tullett et al.	Group Art Unit: 1792
Application No.: 10/585,142	Examiner: Frederick John Parker
Filed: June 8, 2007	Confirmation No.: 9941
For: METHOD AND APPARATUS FOR THE APPLICATION OF POWDER MATERIAL TO SUBSTRATES	

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 16, 2009 the Office has required restriction between the following groups of claims:

Group I: Claims 82-113, drawn to apparatus for powder coating in which substrates are transported by an endless path of driven platens;

Group II: Claims 114-131, drawn to method for powder coating in which substrates are transported by an endless path of driven platens;

Group III: Claims 132-141, drawn to method and apparatus for powder coating in which substrates are arranges on pairs of upper and lower platens;

Group IV: Claims 152-154, drawn to a carriage structure;

Group V: Claims 155-158, drawn to powder application carriage bearing product and nonproduct portions; and

Group VI: Claims 159-162, drawn to platen comprising a vacuum chamber and electrical means.

Initially, Applicants note that claims 142-151 are not included in any Group. Accordingly, Applicants assume that these claims will be examined in connection with whatever Group of claims Applicants elect, since the Office has not provided any basis for separating claims 142-151 from the other groups of claims.

In order to be responsive to the Office's requirement, Applicants elect the invention of Group I. However, Applicants make this election with traverse.

Applicants respectfully submit that Claims 114-131 (the Office's Group II) should be examined with the elected apparatus claims. These groups are related as an apparatus and a process specially adapted for carrying out said process. 37 C.F.R. § 1.475(b) states that unity of invention exists for such groups of claims. This is true irrespective of whether the Office is able to find and cite a reference that it alleges discloses the "special technical features" of the two groups of claims.

Applicants also traverse the restriction requirement with respect to the Office's restriction of the claims of Group V from those of Group I. Group V contains apparatus claims that are similar to the claims of Group I, but which recite a partition separating the product region (e.g., the platens and the applicator assembly) from the non-product region (e.g., the driving means). In this regard, the Office's attention is directed to claims 99 and 100, which recite features similar to those recited in claim 155. Clearly, the apparatus of claim 82 and the apparatus of claim 55 relate to the same general inventive concept, and the Office has failed to show that unity of invention is not present with respect to these claims. If Applicants had presented the claims of Group V as dependent from those of Group I, the Office would have been

unable to restrict them. Applicants should not be penalized for having written claim 155 as an independent claim by having the Office refuse to examine it.

As noted above, claims 142-151 are not subject to the Office's requirement for restriction. Moreover, these claims relate to a process that is similar to that recited in claim 114, but claim 142 further recites that the platens are driven in series and are independently drivable at a variety of speeds. In this regard, the Office's attention is directed to claim 125, which recites independently drivable platens. Clearly, the method of claim 142 relates to the same general inventive concept as claim 114, since if claim 142 were rewritten as a claim dependent on claim 114, the Office would be unable to properly restrict the two claims. That claim 142 is presented as an independent claim does not change this, and again, the Applicants should not be penalized by the Office for presenting claim 142 as an independent claim.

Moreover, since the method of claim 114 forms part of the same general inventive concept as claim 83 as explained above, logically claim 142 also forms part of this same general inventive concept.

Applicants submit that, for the reasons given above, the Office has failed sustain its burden to to establish lack of unity of invention between the claims of Group I, the claims of Group II, the claims of Group V, and claims 142-151. Since unity of invention must be presumed to be present under PCT Rule 13.1 and 13.2 (and under the rules implementing the PCT rules in the U.S., 37 C.F.R. § 1.475), the restriction with respect to these claims is improper and should be withdrawn.

Respectfully submitted,

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Date: January 15, 2010 By: _____

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